

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

**JOSEPH LEE ALLEN,

DEBTOR**

**Case No.: 18-00282-5-JNC
Chapter 13 Proceeding**

**MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO ALLOW STATE COURT
PROCEEDINGS TO RESOLVE CERTAIN DOMESTIC MATTER**

NOW COMES, Victoria Page, a creditor in the above-referenced case, by and through her undersigned attorney, R. Gregg Edwards, and moves this Court for an Order lifting the Automatic Stay to allow State Court domestic matters to proceed in State Court, and respectfully shows unto the Court the following:

1. That on or about January 20, 2018, Joseph Lee Allen, filed a Chapter 13 proceeding in this bankruptcy court;
2. That Victoria Page is the ex-spouse of Defendant-Debtor and is a resident of Cumberland County, North Carolina. That the Movant, Victoria Page, was listed as a creditor in this proceeding, and was in fact at the time of the Debtor's, filing an adverse party in a domestic proceeding;
3. That prior to the bankruptcy Debtor and Movant separated and Movant filed a Domestic Action in the District Court of Cumberland County, North Carolina, under case number 15 CVD 2017 on March 16, 2015 and Debtor filed a Counterclaim on May 22, 2015. This action was a Domestic Action which included Child Custody, Child Support, Post Separation Support, Alimony, and an Equitable Distribution action over the parties' marital property. A Final Judgment or Order of Post Separation Support, or Alimony, Child Support, or Equitable Distribution was entered on December 7, 2016 in the District Court of Cumberland County. A Judgment for Absolute divorce has been entered in Cumberland County, North Carolina.
4. In the Temporary Order for child custody and support, was entered on June 1, 2015 and incorporated into the Final Child Custody and Support Order dated May 5, 2016. The debtor was to pay the movant Victoria Page \$1,187.00 per month beginning June 1, 2015. As of the date of this Motion, the debtor is in arrears by 2,967.50.
5. Just prior to the Debtor's filing of this Bankruptcy case, the Movant filed a Motion for Contempt on December 21, 2017 to require the debtor to comply with a prior

Order of the Court in regard to his alleged ownership/ non-ownership of a 2015 Ford Fusion and the resolution of the lien against said vehicle. The State Court should be the Court of record which should determine if the representations made to it by the debtor were accurate.

6. That the State Court is a proper and better forum to proceed with the parties' resolution of the Movant's property division, or other domestic issues action at this time.

WHEREFORE, the Movant, Victoria Page, prays the Court:

1. That the Court enter an Order lifting the automatic stay to allow the Movant to proceed in State Court to have any and all domestic matters resolved by the State Court, those matters including but not limited to those matters concerning the issuance of an Order requiring the enforcement of a prior Child Support Order, and an Equitable Distribution Order.

2. That a hearing be held on all matters set forth in this motion.

Dated: March 23, 2018

/s/ R Gregg Edwards
R. GREGG EDWARDS, P.A.
Attorney for Movant
PO Box 53885
Fayetteville, NC 28305
910 483-3399

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

**JOSEPH LEE ALLEN,

DEBTOR**

**Case No.: 18-00282-5-JNC
Chapter 13 Proceeding**

The undersigned hereby certifies that he has served upon all parties or persons by law entitled to such service in the above captioned proceeding the following:

**NOTICE AND MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO ALLOW STATE COURT
PROCEEDINGS TO RESOLVE CERTAIN DOMESTIC MATTER**

Said Service was accomplished in the following manner:

By automatic **electronic noticing** upon the following parties:

Joseph A. Bledsoe, III, Chapter 13 Trustee
Marjorie K. Lynch, Bankruptcy Administrator
Cliff Brisson, Jr., Attorney for Debtor

By **regular U.S. mail**, upon the following parties:

Victoria Page
5151 Hewitt DR
Fayetteville, NC 28311

Joseph Lee Allen
122 Anderson ST
Fayetteville, NC 28301

Dated: March 23, 2018

/s/ R Gregg Edwards
R. GREGG EDWARDS, P.A.
Attorney for Movant
Post Office Box 53885
Fayetteville, NC 28303
(910)483-3399

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

**JOSEPH LEE ALLEN,

DEBTOR**

**Case No.: 18-00282-5-JNC
Chapter 13 Proceeding**

**NOTICE OF MOTION FOR RELIEF FROM THE
AUTOMATIC STAY TO ALLOW STATE COURT
PROCEEDINGS TO RESOLVE CERTAIN DOMESTIC MATTER**

Victoria Page has filed papers with the court to Obtain Relief From Automatic Stay to Allow State Court Proceedings to Resolve Certain Domestic Matters.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion for Relief, or if you want the court to consider your views on the Motion for Relief, then on or before **14 days from the date of this Motion** unless otherwise ordered, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

Stephanie Butler
Clerk of Court
U.S. Bankruptcy Court – EDNC
P.O. Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Joseph A. Bledsoe, III,
Chapter 13 Trustee
PO Box 1618
New Bern, NC 28563

Bankruptcy Administrator
434 Fayetteville Street, Suite 640
Raleigh, NC 27601

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the Motion for Relief at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: March 23, 2018

/s/ R Gregg Edwards
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